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Attention: C. J. Nichols, Art Unit 1647

Date: January 10, 2003 By: Bryce L. Current
Bryce L. Current

#12
JP
PATENT

Attorney Docket No.
DX01136K

CN 028008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SMITH and ZLOTNIK

Serial No.: 09/920,318

Filed: July 31, 2001

For: **USES OF MAMMALIAN GENES
AND RELATED REAGENTS**

Examiner: C. J. Nichols

Art Unit: 1647

**RESPONSE TO RESTRICTION
REQUIREMENT**

Palo Alto, California 94304

January 10, 2003

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5 Commissioner for Patents
Washington, D.C. 20231

Sir:

10 This is a response to the restriction requirement (paper number 8), dated September 12, 2002. A petition for a three - month extension of time, thereby extending the period to reply from October 12, 2002 to January 13, 2003 (January 12, 2003 is a Sunday), is submitted herewith.

15 The Examiner restricted the application into 2 separate inventions:

- I. Claims 1 and 2, drawn to a method of diagnosing or evaluating a mucosal condition, classified in Class 424 subclasses 184.1; and
- II. Claims 4, 5, 6, and 7, drawn to a method of treating an inflammatory bowel disease, classified in class 424, subclass 130.1.

The Examiner further required an election of species as follows:

- a. TARC;
- b. MIP-3 α ;
- c. CCR4;
- d. CCR6;
- e. CCR7;
- f. CCR8; or
- g. One specific combination of any of (a) – (f).

The Examiner again further required a second election of species as follows:

- h. Gastrointestinal mucosa;
- i. Pulmonary mucosa; or
- j. Female reproductive tract mucosa.

The Examiner again further required a third election of species as follows:

- k. Ulcerative colitis; or
- l. Crohn's disease.

Applicants wish to point out to the Examiner that Claim 3 was not classified in Group I or Group II. It is believed that this claim should be properly grouped in Group I. Should this not be the case, clarification is respectfully requested.

Applicants provisionally elect Group II, Claims 4, 5, 6, and 7 whose claims are drawn to a method of treating an inflammatory bowel disease. Applicants further elect the following species: MIP-3 α and its receptor, CCR6; Gastrointestinal mucosa; and Ulcerative colitis.

Below is a listing of all claims that read upon the elected species (see page 5 of Restriction Requirement).

4. A method of treating an inflammatory bowel disease, said method comprising blocking signaling:

a) mediated by a chemokine selected from:

i) TARC; or

ii) MIP-3 α ; or

b) effected by a chemokine receptor selected from:

i) CCR4;

ii) CCR6;

iii) CCR7; or

iv) CCR8.

5. The method of Claim 4, wherein:

a) said bowel disease is ulcerative colitis or Crohn's disease; or

b) said treating is preventing appearance of symptoms.

6. The method of Claim 4, blocking signaling:

a) mediated by TARC; or

b) effected by a chemokine receptor selected from:

i) CCR4; or

iii) CCR7.

7. The method of Claim 5, wherein said blocking is by administering an antibody raised against said chemokine or said chemokine receptor.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

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Date: January 10, 2003

By:



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